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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,671	09/30/2003	Jeyhan Karaoguz	14827US02	5017
23446 7590 12/18/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER BOAKYE, ALEXANDER O	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 12/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,671

Applicant(s)

KARAOGUZ ET AL.

Examiner

ALEXANDER BOAKYE

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-16, 18-29 are rejected under 35 U.S.C. 102(e) as being anticipated by El-Rafie (US Patent # 6, 968,394).

Regarding claim 1, El-Rafie teaches a system for exchanging media content (Figs. 1-4 and 17), comprising: a communications device (Terminal device 2 of Fig. 1 operatively coupled to a network (12/13) and to an antenna (satellite receive antenna 23 of Fig.1), the communications device (2) providing two-way communications (line connecting element 10 to element 12 of Fig. 1 is a two-way communications) with the network (12/13) and providing one-way communications(17/18 is a one-way communication) with the antenna (satellite receive antenna 23 of Fig.1) , wherein the communications device (2) can receive media content from the antenna (column 8, lines 36-42), wherein the communications device (2) can send the media content to the network ,

and wherein the communications device can receive the media content from the network (column 8, lines 36-39) .

Regarding claim 2, El-Rafie further teaches that the antenna comprises a dish antenna (satellite receive antenna 23 of Fig. 3 is a dish antenna).

Regarding claim 3, El-Rafie further teaches that the communications device comprises a software platform that can provide networking functionality (element 11 of Fig. 3 is a networking functionality).

Regarding claim 4, El-Rafie further teaches that the communications device comprises a software platform that can provide management and security (column 6, lines 14-20).

Regarding claim 5, EL-Rafie further teaches that the communications device is adapted to provide, a temporary storage capability (storage Hard Disk/DVD element of Fig. 3).

Regarding claim 6, El-Rafie teaches that the network comprises a telephony network (column 4, lines 1-15).

Regarding claim 7, EL-Rafie further teaches that the network comprises an Internet infrastructure (element 21 Figure 3 is an Internet infrastructure).

Regarding claim 8, El-Rafie teaches further teaches that the Internet infrastructure is coupled to a telephone network (column 4, lines 1-15) and wherein the communications device provides two-way communications with

telephony network (connection between element 10 and the PSTN in Figure 1 is two-way communications).

Regarding claim claim 9, El-Rafie teaches that the network comprises a telephony network (12, Fig.1), a telephony network headend and satellite system headend (column 4, lines 1-11), wherein the communications device provides two-way communications (line connecting element 10 to element 12 of Fig.1 is a two-way connection) with the telephony network headend via the telephony network, (column 4, lines 1-10), and wherein the communications device provides two-way communications with the satellite system headend via the telephony network (column 4, lines 1-11).

Regarding claim 10, El-Raffie teaches wherein the communications device can request the media content from the satellite system headend via the telephony network (column 4, lines 1-11), and wherein the communications device receives the requested media content via the antenna (column 8, lines 36-42).

Regarding claim 11, El-Rafie teaches that the communications device receives acknowledge information relating to the media content request from the satellite system headend via the telephony network (column 4, lines 1-11).

Regarding claim 12 El-Rafie teaches wherein at least one of the telephony network headend and the satellite system headend comprises a

modem (10) that supports a modulator (column 13, lines 35-51).

Regarding claim 13, El-Rafie teaches that the communications device receives a broadcast media guide from the satellite system headend (column 4, lines 1-11) wherein the communications device receives a personal media guide from the telephony network headend and wherein the communications device generates a unified media guide by processing the received broadcast media guide and the received personal media guide (column 25, lines 44-58).

Regarding claim 14, El-Rafie teaches that the telephony network headend receives a broadcast media guide from the satellite system headend, wherein telephony network headend receives a personal media guide from the communications device (column 4, lines 1-11), and wherein telephony network headend generates a unified media guide by processing the received broadcast media guide and the received personal media guide (column 25, lines 44-58).

Regarding claim 15, El-Rafie further teaches that the telephony network headend sends the unified media guide to the communications device (column 25, lines 44-58).

Regarding claim 16, EL-Rafie further teaches that the telephony network headend is a digital subscriber line (DSL) headend (the claimed digital subscriber line DSL headend is inherent in Asymmetric Internet access

system of Fig. 17).

Regarding claim 18, EL-Rafie further teaches that a second communications device (5) coupled to the network (21), the second communications device providing two-way communications with the network (element 5 providing two-way communications with element 21), wherein the second communications device can send the media content to the communications device via the network, and wherein the second communications can receive the media content from communications device via the network (column 8, lines 27-39).

Regarding claim 19, EL-Rafie further teaches that the communications device is disposed at a first location, and wherein the second communications device is disposed in a second location (Terminal device is disposed at a first location and Internet Host is disposed in a second location).

Regarding claim 20, EL-Rafie further teaches that the communications device is disposed in a first home environment, and wherein the second communications device (5) is disposed in a second home environment (11, Fig 3).

Regarding claim 21, EL-Rafie further teaches that the second communications device is coupled to the network via a headend (column 4, lines 1-11).

Regarding claim 22, El-Rafie further teaches a media server (7, Fig. 3) coupled to the network,(12/13),wherein the communications device can receive the media content from the media server via the network (column 8, lines 27-39).

Regarding claim 23, El-Rafie teaches a method for exchanging media content (Figures 1-4 and 17) comprising: adapting to provide two-way communications (line connecting element 10 to element 12 of Fig. 1 is a two-way connection) with a device to provide one-way communications (17/18) with an receiving, by the communications device, media content from the antenna (column 8, lines 36-42); receiving, by the communications device, the media content from the network (column 8, lines 27-41); and sending, by the communications device, the media content to the network.(column 8, lines 27-39).

Regarding claim 24, El-Rafie teaches requesting, by the communications device, the media content from a satellite headend that is part of the network (column 13,lines 35-51).

Regarding claim 25, El-Rafie further teaches receiving, by the communications device, a personal media guide from a telephony network headend that is part of the network (column 4,lines 1-11); receiving, by the communications device, a broadcast media guide from a satellite headend

Art Unit: 2616

that is part of the network (column 25, lines 1-11); and generating, by the communications device, a unified media guide based on at least the received personal media guide and the received broadcast media guide (column 25, lines 31-52).

Regarding claim 26, EL-Rafie further teaches receiving, by a telephony network headend that is part of the network, a personal media guide from the communications device (column 4, lines 1-11); receiving, by the telephony network headend, a broadcast media guide from a satellite headend that is part of the network (column 4, lines 31-50); and generating, by the telephony network headend, a unified media guide based on at least the received personal media guide and the received broadcast media guide (column 25, lines 31-52).

Regarding claim 27 El-Rafie further teaches sending the unified media guide to the communications device (column 25, lines 44-58).

Regarding claim 28, El-Rafie further teaches sending, by the communications device, the received media content (movies) to another communications device coupled to the network (column 25, lines 44-58).

Regarding claim 29, El-Rafie further teaches receiving, by the communications device, the media content from another communications device coupled to the network (column 25, lines 44-58).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over El-Rafie (US Patent # 6,968,394) in view of Rakib et al. (US Patent # 6,889,385).

Regarding claim 17, El-Rafie teaches a system for exchanging media content (Fig. 1-4 and 17). What El-Rafie fails to disclose is where the telephony network comprises a DSL infrastructure, and wherein the communications device provides two-way communications with the DSL headend via a DSL modem and the DSL infrastructure. However, Rakib reference figure 3 discloses where the telephony network comprises a DSL infrastructure, and wherein the communications device provides two-way communications with the DSL headend via a DSL modem and the DSL infrastructure (column 20, lines 15-25 and column 20, lines 26-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of El-Rafie to include the feature where the telephony network comprises a DSL infrastructure, and wherein the communications device provides two-way communications with the DSL headend via a DSL modem and the DSL infrastructure such as the one taught by El-Rafie with motivation being that it

provides video-on-demand service over cable TV systems as well as delivery of wideband internet and T1 telephony access over cable systems to end users.

Response to Arguments

3. Applicant's arguments filed 09/10/2007 have been fully considered but they are not persuasive.

A) At page 9 of 11, Applicants argued that Office Actions contained errors noted by the Applicants.

B) The Office Actions errors noted by the Applicants have been corrected by the Examiner.

C) At page 9 of 11, Applicants argued that El-Rafie does not describe "wherein the communication device can receive the media content from the network".

D) In response, the examiner maintains that EL-Rafie discloses wherein the communication device (2) can receive the media content from the network (column 8, lines 33-51).

E) At page 10 of 11, Applicants argued that El-Rafie does not describe "receiving, by the communications device, media content from the antenna".

F) In response, the examiner maintains that EL-Rafie discloses "receiving by the communications device, media content (movies) from the antenna" (the satellite receiver 23 of the terminal device 2 receives movies from the Internet 21).

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR.

Art Unit: 2616

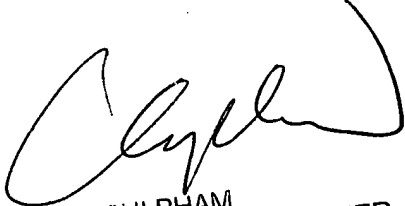
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Electronic Business Center (EBC)** numbers at 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

AB
12/9/07


CHI PHAM
SUPERVISORY PATENT EXAMINER 12/13/07